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4 GLORIA JEANETTE DAVIS,
5 Plaintiff,
6 v.
7 KAISER FOUNDATION HOSPITALS,
8 Defendant.

9 Case No. 19-cv-05866-HSG
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13 **ORDER EXTENDING DEADLINE TO
14 FILE NOTICE OF APPEAL**
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16 Re: Dkt. No. 67
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19 On February 2, 2022, the Court granted summary judgment in favor of Defendant Kaiser
20 Foundation Hospitals. Dkt. No. 65. On March 2, 2022, Plaintiff Gloria Jeanette Davis filed a
21 letter seeking an extension of time to appeal the judgment. Dkt. No. 67. From what the Court can
22 gather from the letter, Plaintiff intends to ask this Court to amend or reconsider the entry of
23 judgment in this case based on the discovery of new evidence. *See id.* She asks for an extension
24 of two weeks. *Id.*

25 In her letter, Plaintiff cites Federal Rule of Civil Procedure 59(e). *Id.* Under Rule 59(e),
26 “[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of
27 judgment.” Fed. R. Civ. P. 59(e). Plaintiff’s deadline to file a motion under this provision was
March 2, 2022, the day she filed her letter for an extension. The Court understands the challenges
of litigating a case *pro se*. However, Federal Rule of Civil Procedure 6(b) does not allow the
Court to give Plaintiff more time to file a motion under Rule 59(e). *See* Fed. R. Civ. P 6(b)(2) (“A
court must not extend the time to act under Rule . . . [59](e).”).

28 Plaintiff’s letter also references an “appeal process.” *See* Dkt. No. 67. If Plaintiff intends
to appeal the judgment to the Ninth Circuit, Federal Rule of Appellate Procedure 4 generally
requires a plaintiff to file a notice of appeal within 30 days after entry of the judgment—or in this

1 case, by March 4, 2022. *See* Fed. R. App. P. 4(1)(A). Plaintiff did not file any notice of appeal by
2 that deadline. Federal Rule of Appellate Procedure 4, however, permits the district court to extend
3 the time to file a notice of appeal if there is good cause to do so. *See* Fed. R. App. P. 4(a)(5)(A).
4 Under the circumstances, the Court finds that good cause exists for a short extension of time to
5 allow Plaintiff time to prepare her notice of appeal. Plaintiff must file her notice of appeal by
6 March 21, 2022. The Court cautions Plaintiff that no further extensions will be permitted.

7 **IT IS SO ORDERED.**

8 Dated: 3/8/2022

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10 HAYWOOD S. GILLIAM, JR.
United States District Judge

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United States District Court
Northern District of California